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May 18, 2001

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MAY 18 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: Petition of the State Independent Alliance and the Independent
Telecommunications Group for a Declaratory Ruling that the Basic
Universal Service Offering Provided by Western Wireless in Kansas
is Subject to Regulation as Local Exchange Service
WT Docket No. 00-239**

Notice of *Ex Parte* Discussion

Dear Ms. Salas:

This is to notify you of a May 16, 2001 meeting with Rose Crellin of the Wireless Telecommunications Bureau with regard to the above-referenced proceeding. The following parties participated in the meeting:

- Gene DeJordy, Vice President for Regulatory Affairs, Western Wireless Corporation ("Western Wireless"),
- Mark Rubin, Director of Federal Government Affairs, Western Wireless,
- Michele Farquhar, Hogan & Hartson, LLP, counsel to Western Wireless, and
- Angela Giancarlo, Hogan & Hartson, LLP, counsel to Western Wireless

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During the discussion, Mr. DeJordy confirmed the following points:

1. The Phonecell SX3I wireless access unit manufactured by Telular Corporation ("Telular unit"), which is used by Western Wireless' Kansas Basic Universal Service ("BUS") customers, works in the same manner as a handheld cellular phone in that it is mobile and operates anywhere within Western Wireless' coverage area within the state of Kansas and outside of Kansas, as well as in the coverage area of other cellular service providers.
2. The Telular unit is a mobile cellular device in that a customer can use the unit while in motion. The unit operates like any other mobile phone; *i.e.*, calls are handed off from one cell site to another as the caller physically moves while conducting a conversation. This provides for a continuous call.
3. Western Wireless' infrastructure makes no distinction between calls initiated from handheld cellular units or those initiated from Telular units.
4. A BUS customer would incur roaming charges if that customer places a call from: (a) outside the state of Kansas, (b) within the western part of the state of Kansas, and (c) within a few discrete areas of eastern Kansas.

In response to questions from Ms. Crellin, Mr. DeJordy also provided further insight into the customer invoices submitted into the record as Exhibit A of Western Wireless' May 8, 2001 *ex parte* filing. Mr. DeJordy explained that the "Roaming Usage Detail" portion of each invoice demonstrates that BUS customers are using the Telular unit in a mobile manner. Each of these customers have incurred roaming charges because they placed calls from the Telular unit while the unit was outside of the defined local area. It is also significant to note that BUS Customer 1 has incurred a roaming charge because the customer initiated a call from Beatrice, Nebraska (*see* pp. 7-8 of Customer 1 invoice at Exhibit A1). Mr. DeJordy also pointed out that given the large size of Western Wireless' local area in which roaming charges do not apply, these roaming charges reflect only a small fraction of actual mobile use by the BUS customers.

With regard to Exhibit B of Western Wireless' May 8, 2001 *ex parte* filing, Mr. DeJordy clarified that the report demonstrates the fact that BUS customers originate calls from many different cell sites, not just the cell site located closest to

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the customer's residence. For example, one customer originated calls from four different cell sites; other customers generated a considerable number of calls over two different cell sites. Thus, the report shows that the BUS customers are using the service in a mobile manner.

Pursuant to Section 1.1206(b)(1) of the Commission's rules, one original and one copy of this letter are being filed with your office. In addition, I am sending one copy of this notice to the FCC staff listed below. Please contact me with any additional questions.

Respectfully submitted,

A handwritten signature in black ink, reading "Angela E. Giancarlo". The signature is fluid and cursive, with the first name "Angela" and last name "Giancarlo" clearly legible.

Angela E. Giancarlo
Counsel for Western Wireless Corporation

cc: Rose Crellin
 David Furth
 James Schlichting
 Jeff Steinberg